

McCALL "SHOCKED" AT SULZER'S "FALSE UTTERANCES"

see me about, I arranged to go to Albany, and did so on that Saturday.

"My recollection is that I dined with the Governor and after dinner we repaired to his office in the Executive Mansion. He immediately started in telling me what he proposed to do in the way of an administration, and as my memory serves me, he presented nothing that I did not deem commendable, and so expressed myself.

Sulzer Told of Trouble.

"After much parleying on his part and when I had several times asked him what the particular matter was that he wanted to talk to me about, he told me that the matter of great concern and trouble and annoyance to him was the filling of the place of chairman of the Public Service Commission of the State Department, which would become vacant at the expiration of the term of Mr. Wilcox on February 1.

"I remember that I distinctly said to him: 'I do not see what annoyance or trouble or worry can come to you over such a proposition as that unless you deliberately start to make yourself a trouble and annoyance. It is a matter that, in my judgment, can be very quickly and speedily ended,' and he replied to me saying: 'How?' I said: 'By the resignation of Mr. Wilcox.' He turned to me and said: 'He is a Republican.' I said to him: 'What difference does that make in such an exigency as confronts you?' He said: 'None.' I said: 'You have a reputation in the office of chairman, whose life work was practically the building up and construction of these contracts, now practically completed, and for you to resign him or not reappoint him, simply because he is a Republican, seems to me to be simply inviting a calamity, and if you will take my advice you will allow no person or agency to persuade you to do any such thing.'

"His answer was: 'My mind is made up on that and I will not be changed. I now want to talk with you about the men, and that is the purpose of my sending for you.'

"He enumerated several names, and as he announced them, of his own notion and without any suggestion of any kind from me, declared he would not appoint them. I shall not now make mention of these names, because they were not, excepting one instance, the names of the gentlemen whom he referred to in his statement. The one name that he did mention and which he referred to in his statement was Henry Morgenthau.

Morgenthau Willing.

"And he stated to me that Mr. Morgenthau would probably be made Secretary of the Treasury under the new Administration and that he had been told him that he was willing to take the appointment of the chairmanship of the Public Service Commission, take on the subject of rapid transit and subways, and upon it and discontinue his other work and resign in time to go down to Washington to assume his portfolio.

"I immediately said: 'Why don't you appoint him?' He said: 'He is a man of experience and whatever his action may be on the question of rapid transit or subways would have the comforting assurance that the man you had named was the President of the United States for the most important portfolio in his Cabinet.'

"That was the only time that Henry Morgenthau's name was mentioned in my presence by Gov. Sulzer, and in response to my inquiry as to why he did not name him he told me that he had concluded not to do so. He then turned to me and said: 'I think a just man that could relieve me of this anxiety, that is bearing down upon me,' and he said, 'You are the man.' My reply to that was: 'Governor, you are crazy. I do not want to enter into any conversation with you at all, so that you cannot possibly indulge the hope that I will take the place. I want you to put it out of your mind.'

Subject Broached Again.

"I left the Executive Mansion somewhere around midnight, believing that I had made myself understood to the Governor and hoping that he would accept of it in the proper spirit. From that moment up to the Saturday before my name was sent to the Senate for confirmation I was importuned by the Governor at every turn, and on the Thursday before the Monday on which my name was sent to the Senate I went to Albany at his earnest solicitation and he again broached the subject of the chairmanship of the Public Service Commission, telling me that he would send to me a letter that he would send to me on Monday night. I told him he had better first find the man, as I would not serve or consent to my name being considered for the position. I left Albany that night thinking the matter was settled.

"On Saturday I received a communication from the Governor saying that he was coming to New York. I met him. He dined with me and told me that his sole object in coming to New York was to force me to take this place and that he would not go back to Albany until he had my consent.

"He appeared to me on the side of my duty to the State, my duty to my party and my duty to the citizens of New York who had honored me, and he became so importunate, and so insistent that I asked him: 'What assurance can you give me that I will be properly treated? I allow my name to go.' He then suggested that Mr. Murphy be sent for.

Murphy Opposed Plan.

"Mr. Murphy came, and in the conversation that ensued he opposed my appointment and even went so far as to say that he was disposed to advocate that I be not confirmed. During the conversation, which lasted until midnight, the one word was spoken about any other office except the chairmanship of the Public Service Commission. No other office or application for office was discussed. He left my house with my consent, and I sent my name to the Senate on Monday night. When the Governor says that at that conversation he mentioned the name of Mr. Morgenthau or Mr. Peabody or John Temple Graves he is making statements that are pure figments of his imagination.

"Confirmatory of what I say are the utterances of the Governor made at the time of my nomination in the New York papers on the morning after my appointment was announced. Gov. Sulzer was quoted in a long statement, the pertinent part of which was as follows:

"In selecting Mr. Justice McCall for the office I want to tell the people just how and why the selection was made. I have known him since we were law students and our personal relations for thirty odd years have been intimate. He is a man for whom I have the greatest respect and the highest regard. No man can question his high standing as a citizen, his industry as a public servant, his ability as a lawyer, his worth and impartiality as a Justice of the Supreme Court of our State and his determination always to do what he believes to be just and right for the public good. He is my lifelong friend. In him I have the most implicit confidence. He is big enough for any office in our country.

Couldn't Find Another Man.

"A short time ago he was our guest in Albany, when we gave the official dinner to the Judges of the Court of Appeals. I then briefly talked matters over with him, but he then told me he could not think of resigning from the bench and accepting this office. That ended it and I looked for some one else, but could not convince myself regarding any other candidate so much as I had about Mr. Justice McCall.

"The matter was of such great importance to the people that I concluded on Saturday afternoon to go to New York and make a final personal appeal to Justice McCall to accept the office. I arrived on Saturday night, without saying a word to any one about it. I went to his house in New York city and for several

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hours discussed the whole question with the Justice from every standpoint. As the Governor of the State I appealed to him to resign from the bench and take the Public Service Commission for the good he could now do for the public. Of course it was a great sacrifice and he did not want to make it, but he finally and reluctantly concluded to do it on my personal appeal in the name of the people of the State and as a patriotic duty to the citizens of Greater New York.

"Let me say now that Mr. Murphy made no recommendation to me directly or indirectly of any applicant or any candidate for this office."

"From the time that I became chairman of the Public Service Commission up to the time that I paid my last visit to Albany to call upon the Governor in no single instance did I ever make such a recommendation to the President of the United States, except upon his urgent personal request."

Talked of Men for Bench.

"I never received as much as an intimation from Mr. Murphy that he desired me to call upon Gov. Sulzer, nor did he ever make any request to me to suggest any names for appointment to office by Gov. Sulzer and I never talked about the filling of offices or suggested names of any kind of applicants for office excepting the instance of the Supreme Court Justices that he was to appoint to vacancies, and then, when we discussed it, he had some over those appointments, was merely and only upon the initiative of Gov. Sulzer and upon his request to me to aid him, in so far as I might consistently in the discharge of his duty in that respect. And the two gentlemen whom he afterward named were the two names that I suggested to him for the filling of the places.

"I never discussed reference in this interview Gov. Sulzer made to Mr. Murphy's alleged conversations with him, when he does not say that I was present, naturally I know nothing about, and hence I have nothing to say."

"As to the interview of April 11, the night of the Jefferson banquet, Mr. Sulzer during the banquet, endeavored several times to make arrangements to have Mr. Murphy meet him in his room after the banquet was over, and Mr. Murphy sent back word that he would be unable to keep any such appointment, and as a result of his duty in that respect, and did not go to Mr. Sulzer's room."

Interview With Murphy.

"That conversation was a very short one, and as my recollection serves me had only to do with the question of direct primary. No such conversation as the Governor alleges as having taken place ever occurred—at least not in my hearing, and I was there during the entire conversation. The Governor himself did most of the talking. Mr. Murphy asked him but one or two questions in reference to what the purpose of his bill was. No threats of any kind were made; no discussion was had as to other matters, and the conversation, which I have said was a short one, bore wholly and entirely upon the question of direct primaries, and both gentlemen parted in the most amicable frame of mind."

"I never from the time that Gov. Sulzer was installed in office down to the present day took any message of any kind to him. I never referred, and I never recall of having spoken of Mr. Murphy as 'the chief,' and what he means by that saying I do not understand."

"I never heard the name of Mr. McManus suggested for any office by any one except the Governor himself, and during a visit at the Executive Mansion in the presence of Mr. Platt, his secretary, and Mr. Hennessy, he was talking of his trials at Albany, and he reiterated that he had often told me before that he believed himself surrounded by rogues, and I turned to him and I said:

"Governor, you told me that for the first time early in February, and I never visited you but you have reiterated that

statement, and you now make the same statement. I told you when you first mentioned it to me that 'your duty was to yourself and to your administration. Take all those rogues, as you term them, and no matter whence they came or who they are, remove them at once.'

Only Himself to Blame.

"I only say to you, if the fact be as you say, that you are surrounded by rogues, when you knew it in February you should not have permitted that state of affairs to exist, but by your leaving them now into May, and constantly talking about having them about you, you have nobody but yourself to blame, because no official of any standing would tolerate such conditions if they existed."

"Mr. Platt, his secretary, then said: 'The character of appointment they want you to make is bad.' I asked Mr. Platt what he meant by that, whom he meant in the way of appointments and who they were that made the request. He said: 'Mr. Murphy, and the appointment of the Public Service Commission.'"

"You know very well, Governor, that Mr. Murphy never made any such request of you and why do you permit that state of affairs to exist? I have no doubt that it must be made in your presence." And his answer to it was: 'Well, McManus told me he applied for the place and while waiting from the Executive Mansion to get it, he would complain about it.'

"What has actuated the Governor to make this statement we may some time learn. He knows that I was in thorough sympathy with him in his troubles and his trials, trying in every way that was consistent to alleviate them, though the revelations before the court of impeachment left me but little ground to stand upon to make a battle for him."

FRAWLEY POINTS TO BARNES.

Says Republican Boss, Not Murphy, Suggested Sulzer Impeachment.

James J. Frawley, who was chairman of the Senate committee which prepared the impeachment upon which Mr. Sulzer was impeached, said yesterday that the first suggestion of impeachment came from William Barnes, Republican State leader, who has not a word of truth in them, and I have more of pity for him than for the other two."

"If you study the history of the impeachment," he said, "you will see that it was William Barnes who first introduced the idea that the Governor should be impeached. This was as early as last February. He had an editorial in his Albany newspaper demanding the Governor's impeachment for breach of his oath. He even cited the section of the Constitution under which the Governor could be impeached."

"This was the germ of the impeachment idea. Then it grew and grew and in the meantime came the review of the Thaw case, the removal of Scott, the Blake report and the appointment of the Frawley committee to investigate prisons. Only after all this occurred was the amendment passed to allow the committee to broaden its scope of investigation."

Frawley was asked if there was any connection between Murphy and Barnes. "As much as there is between the Almighty and the devil," he replied. "Mr. Murphy doesn't even know Mr. Barnes. I believe he never spoke to him."

"As for the charge that Murphy caused the acquittal in the Senate of Stilwell, I say that Murphy never asked any one to seek the resignation of Stilwell, nor did he ever make any efforts to retain him in office."

"Sulzer's information is silly. Why did Senator Wagner and Speaker Smith go against Stilwell? And didn't Murphy's own Assemblyman from the Twelfth district vote against him?"

"It is a shame for Sulzer to say the

Chief Points in Reply of McCall to Sulzer

"The statements that he makes as far as they refer to me have not a word of truth in them, but I have more of pity for him than for the other two."—Judge McCall on Sulzer's statement.

"I urged the appointment of Henry Morgenthau or George Foster Peabody or John Temple Graves. Mr. Murphy would not hear of those men. He talked long and earnestly in behalf of Mr. Gavin."—William Sulzer on October 17.

"Let me say now that Mr. Murphy made no recommendation to me directly or indirectly on any applicant or candidate for this office (the chairmanship of the Public Service Commission)—William Sulzer on February 3, 1913.

Telling of his conversation with Sulzer regarding the appointment of a chairman of the Public Service Commission Judge McCall declares he said at that time:

"It is a matter that can be very quickly ended—by the reappointment of William R. Wilcox. Mr. Sulzer turned to me and said: 'He is a Republican.' I said to him: 'What difference does that make in such an exigency as confronts you?' His answer was: 'My mind is made up and I will not be changed.'"

things he does about Judge McCall, his friend. What Judge McCall did was through friendship to Sulzer. I never heard that Judge McCall was a compromise candidate for chairman of the Public Service Commission."

"As for Murphy's talks with Sulzer they never conversed alone. Murphy always said he didn't trust Sulzer. And it is foolish to say that Murphy was McManus as State Labor Commissioner. It has never been the policy of Tammany Hall to put in appointive office any of its district leaders, and McManus is a district leader."

SORRY THEY DIDN'T BAR SULZER FROM OFFICE

Tammany Senators Now Say They Made One Big Mistake in the Impeachment.

Tammany Senators, fresh from the impeachment trial, are saying to one another last night that they made one big mistake and that was that they didn't disqualify Sulzer from holding office under the State. The news that the East Side had risen to his defense and would put him back into the Assembly pointed their finger.

With Sulzer back in the Assembly they feel that there will be no peace in the next session of the Legislature, whatever party is in control. They argue that the Sulzer impeachment issue is not dead nor will it die with the present campaign. It would have to be carried in smoke, they say, if Sulzer had been forever disqualified from holding offices of trust under the State.

No specific statement was coming from the East Side or Tammany as to the effect of Sulzer's candidacy. Charles E. Murphy, in conversation with newspaper men on Saturday, said that the matter had no interest for him and he didn't want to make any comment on it.

The Republicans, in so far as Sulzer's Assembly ambitions are concerned, were very little better pleased than the Democrats.

The fusionists weren't quite settled in their minds about the nomination of Sulzer. The district was surely against Tammany, but the loudest for fusion between Republicans and Progressives is gone and in a district where Republican help could have been expected in the municipal campaign.

There was delight at fusion headquarters yesterday over the Sulzer broadside against Murphy and Judge McCall. True or not, the fusionists regarded it as a campaign document of the utmost value and are determined through the help of Longacre Building, Broadway and Forty-second street.

LAWYERS SUPPORT McCALL.

Leading Members of Bar to Address Mass Meeting To-night.

A lawyers' mass meeting will be held to-night to advocate the election of Edward E. McCall. The meeting will be held at the headquarters of the Business and Professional Men's League in the Longacre Building, Broadway and Forty-second street.

William B. Hornblower will preside. Among the speakers will be Alton B. Parker, John B. Stanchfield, Morgan J. O'Brien, Stephen C. Baldwin, William C. Cullen, William P. Barr, Henry W. Unger, Terence Farley, George M. Curtis, Edward S. Malone, Warren Leslie, Louis H. Hahlo, Alexander I. Roikre, Melvin Dalberg and John P. O'Brien.

SPURNED MURPHY'S CASH, SAYS SULZER

Deposed Governor Asserts Tammany Boss Offered to Make Him Wealthy.

TELLS OF ULTIMATUM

"Gaffney or War" Threat Was Breaking Point in Their Relations.

Ex-Gov. William Sulzer gave out his story yesterday of his brief term as Governor of New York, his alleged relations with Charles E. Murphy during that time and the sinister influences he says were brought to bear on him. The story was copyrighted and printed in the Evening Mail. It is by permission of the Mail that The SUN reproduces the story in part.

Sulzer says that just prior to the time when he took office he met Mr. Murphy at his private room at Delmonico's and that the Tammany leader offered him enough money to pay his debts, with sufficient left over "to take things easy while Governor." He adds that he declined to take the money.

He says that the next time he saw Murphy was at Judge Edward E. McCall's house in New York city on February 2. Sulzer charges that during the interview which took place that night Murphy tried to dictate appointments to several important State offices. It was shortly after this meeting, Sulzer says, when he refused to appoint James E. Gaffney Highway Commissioner that Murphy sent the ultimatum: "It is Gaffney or war."

A good deal of what Sulzer has to say has already been printed from time to time in the columns of The SUN. The former Governor concludes by saying that "a prominent New York city man came to me from Murphy in June and told me that I would be impeached unless I abandoned my opposition to Murphy and abandoned the efforts to indict the criminals who were connected with the highways and canal steals."

"This man said if I would consent to call off Mr. Hennessy (Sulzer's State department investigator) the impeachment proceedings would not be begun."

Just Murphy Offered Cash.

Just prior to taking office as Governor either just before Christmas or between Christmas and New Year's I spent an afternoon with Mr. Murphy at his request at his private room at Delmonico's, said the Governor. "His attitude was very friendly and confidential."

"My friend, then, he knew of my financial condition and wished to help me out. As he went on I was amazed at his knowledge of my intimate personal affairs."

"To my astonishment he informed me that he knew that I was heavily in debt. Then he offered me money to pay my debts and have enough left to take things easy while Governor."

"He said that this was really a party matter and that the money he would give I should use as I saw fit. I had been a popular candidate easily elected and for less money than any other candidate in his recollection."

"He said that nobody would know any thing about it, that I could pay what I owed as I saw fit. I was feeling very financially. He then asked me how much I needed, to whom I owed it and other personal questions."

"As I did not want to be tied hard and fast as Governor in advance I declined Mr. Murphy's offer. I was paying off my debts gradually, but my creditors were friends and would not press me that I was economical, that I would try to get along on my salary as Governor."

For the Party's Good.

"He repeated his offer of money, saying that he was for the good of the party; that the 'organization' did not want me to be hampered financially, and he would allow me whatever I needed above my salary for my living expenses while I was at the Executive Mansion."

"But again I refused and then he said: 'If you need money at any time let me know and you can have what you want. We'll send up a lot of money on your card. I can't afford to let you have what you want and never miss it.'"

"Mr. Murphy did not attend my inauguration. He came to Albany for the Presidential electors' meeting and I saw him at the Executive Mansion. He wanted me to go to his house to confer with him. I wanted him to meet me in the Executive Chambers or to come to the Executive Mansion."

"I refused to do this and I declined to go to the hotel."

"The next time I saw Mr. Murphy was at Judge Edward E. McCall's house in New York city on the night of February 2. I talked with Albany with Mr. McCall over the telephone about the Public Service Commission."

Met by McCall.

"I left Albany that afternoon for New York and Judge McCall met me at his automobile at the 124th street station."

"He told me Mr. Murphy was at his house waiting for us."

"We talked going down to his house. He said he had accepted the Public Service Commission, but he would insist on it. But he wanted Mr. Murphy's consent, so there would be no difficulty about his confirmation."

"After dinner Mr. Murphy and I discussed matters at considerable length regarding appointments. Mr. Murphy urged me to appoint his friend John Gavin Public Service Commissioner, in place of Mr. Wilcox, whose term had expired."

"The subway question was very acute in New York and great pressure had been brought to bear on me by prominent citizens to reappoint Mr. Wilcox, or to let him remain in office until the subway contracts were disposed of."

Labor Department, the State Hospital Commission, the Department of State Prisons and the Department of Highways. He insisted that George M. Palmer should be appointed chairman and Patrick E. McCabe a member of the Public Service Commission of the second district. This is the 'Packs McCabe' who is Murphy's political lieutenant in Albany.

"Mr. Murphy further insisted upon having the McManus for Labor Commissioner, a man named Meyers for State Architect, a man from Brooklyn whose name I forget for State Hospital Commissioner, and James E. Gaffney for Highway Commissioner. In case I wished to supplant Mr. Reel, Mr. Murphy said that Reel ought to be kept as he was a good man. This is the same Reel whom I subsequently removed."

"Shortly before midnight we left Judge McCall's house in his automobile and he and Mr. Murphy accompanied me to the Grand Central depot, where I took the train for Albany."

Tammany Chief Isolated.

"When I removed Reel from the office of Commissioner of Highways I began to hear pretty vigorously from Mr. Murphy, who was more determined than ever to secure the place for Jim Gaffney."

"About March 2, just after President Wilson's inauguration, I visited the President in the White House. When I came out I met Thomas F. Smith, secretary of Tammany Hall, in front of the White House."

"Mr. Smith said Mr. Murphy wanted me to meet him and some of the Democratic State leaders at Senator O'Gorman's room in the Shoreham Hotel at 8 o'clock that night."

"I went to the Shoreham that night. There were present Senator O'Gorman, Mr. Murphy, Norman E. Mack and Mr. McCooey, the Murphy leader of Brooklyn. Thomas F. Smith and myself. State affairs were discussed in a general way. I took very little part in the talk."

"As I went out Mr. Murphy followed me into the hall. He asked me if I would give him assurance that I would appoint his friend Jim Gaffney Commissioner of Highways. That place, you will remember, controlled the immediate spending of \$50,000,000 for the construction of the work in which Mr. Hennessy's investigations have recently uncovered frauds amounting to millions of dollars in twenty-two counties under the Reel administration."

Mr. Murphy seemed very much aroused. He said he would like to have the matter settled before he went away, that if I would appoint Mr. Gaffney I could have my own way regarding other matters."

Mr. Murphy assured me that he was most interested in getting the Reel place, than in anything else in the State, that Gaffney was a good all round man for the job, knew what to do and could get results."

Murphy Makes Threats.

"I said: 'I will consider all you say about the matter. I want to go slow and get the very best man I can find for that position. I would rather be slow about the appointment than be sorry.'

"And he answered: 'If you don't appoint Gaffney you will be sorry. I will be sorry. Mr. Murphy finally said: 'I am for Gaffney. The organization demands his appointment and I want you to do it.'"

"I replied: 'I will make no promise about it.'"

"He said: 'It will be Gaffney or war.'"

"He laughed at me when I asserted my independence and said that I might be the Governor, but that he controlled the Legislature; that unless I did what he wanted me to regarding legislation and appointments I could not get my nominations confirmed and that he would block everything."

"One talk with Mr. Murphy which I remember very distinctly was at his house in New York on March 18."

"He pressed great indignation because I had removed Col. Scott, the Superintendent of Prisons. I told him the reasons. He pinochopped them, and said Scott was a friend of his."

Heading Toward Bull Moose.

"I talked to Mr. Murphy about a new Commissioner of Labor and said we ought to appoint the very best man in the State. I spoke to him about John Mitchell. He wanted to know what was the matter with 'The McManus for Labor Commissioner.'"

"I replied that Mitchell was a good enough Democrat to get every Democratic vote in the Legislature of Illinois for United States Senator, and to be offered the Democratic nomination for Vice-President at the Denver convention. 'However,' I said, 'it is immaterial to me whether he is a Democrat or not, the most experienced and competent man in the State in my opinion, for the place.'"

"When talking over appointments to the Supreme Court bench Mr. Murphy said to me: 'Unless you do what I want you to do I will wreck your administration as Governor, block all your legislation and defeat all of your appointments.'"

"He said: 'Remember, I control the Legislature and the Legislature can control the Governor.'"

"He also threatened me with public disclosure of my private life."

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